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FORD, GERALD R.
KISSINGER, HENRY A.
COLBY, WILLIAM E.
CIA
CHURCH COMMITTEE
SCOWCROFT, BRENT
ASSASSINATIONS, FOREIGN LEADERS
BUCHEN, PHILIP

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P/Intelligence Wty
(K, Sub, Lynn, Brook, 13 Oct 75
March, Khrusfeld)

S (Argued that Atty Govt should not oppose ^{NSA} surveillance)

P In a case of JFK Act 5 (g) (2) (D)

you sign each one. For NSA, you would sign a general one that it is within the law

L Yes, but I think it should be periodically reviewed

S Question is whether Atty Govt should rule on surveillance JFK Act 5 (g) (2) (D) also on

scope of Atty. gen's ruling on overseas surveillance

C The technology is advancing so fast that phone calls could be routed overseas for call b/w Wash & Rich.

L 2nd circuit has held that overruling an Am. court is a violation.

R I would think we would want Atty. Govt involved in printing news - so he would know what might come up in a paper.

S The articles in a paper today result from Pres. in his ~~dictatorial~~ powers.

K What is in a paper today results from us dumping vast quantities of material on a country. The paper has got and we have been in a Egyptian code - it has been blown. I think rather than just say a law is passed we should try to elaborate controls to the entities of a world & don't security needs.

L Once today, a controls are moving, but in a wrong direction. We may be need a statute but we have to be careful about our practices as we expand our case.

P I think trying to get a statute could be a disaster.

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in today's environment. Maybe a start in a year or so, but now will just have to use guidelines.

K Does Ed want to appear in NYSA org.

L I think we have to have some guidelines, perhaps as to of incident US traffic overheard.

M We can work out guidelines. I am worried about a Atty Gen bring the biggest intel piece for press purposes.

P Let's have State, Dep, CIA draw up pc guidelines and then review it w/ Atty gen.

B Church is ready on assets report. They will let me review a document for security & sensitivity, but not on contents one case. We don't want to get you in position of prep. for a report. They won't let us edit it or approve it.

P I guess it's material on basis they would handle it as carefully as we have.

Sc If they publish a report at all it is impossible if three things get put out, other officials will stop speaking frankly and foreign govt's will wonder about their ability to work w/ us confidentially.

P I think this is a more highly sensitive area than any we have had.

C Any document which officially shows US involvement in assets is a FOIA disaster.

P I never assumed they had a right to publish any of this.

L There is no legal way we can prevent it.

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P: I don't know what the letters of transmittal say, but I said they had to handle these certain documents as we had - and we released more.

M: Once they have a document, a speech & debate clause means there is no way we can prevent its release.

K: The new element in this investigation is the turning over of documents. During the Earth, etc, there was testimony, but it did not involve all documents involved.

(More discussion on this point goes on)

P: The Earth was warned on a certain date

B: We agreed that we would object to any report but that we would review ~~the~~ document for most damaging quotations. It was apparent that we wouldn't get a vote in - wrote not to publish a report.

M: The Earth has requested us to pass over a batch of quotations. We agreed to do that except in context.

P: I think we should review it and then say it is not in our interest to release it at all.

Sc: We can send any letter we want following a review.

P: I think we should review w/a ~~tough~~ eye and then say the document shouldn't be released, but if they determined, then some areas are more damaging than others.

K: I think we have a ~~good~~ point. issue with I think we have to form + established form fences around the issue as a country have let themselves down again.

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B. All we are fighting is official representation of material which is already widely known. This is not a good issue on which to go to court.

P. I don't want to be any part of their publishing material like this. If they want to do that, it is their responsibility.

B. That is position we have taken.

P. We have to say very strongly we oppose a court, but think there are some more damaging than others.

M. Let's get to the other issues.

C. Edwards is reviewing a lot of area particularly Central w/ a view to making them anti-fascist. They also want to go into sensitive current ops. One of these is Cuba, w/ a possible threat to Kara; Congo, w/ threat to Rhodesia, Laos, Indonesia, South.

Pete wants to get into Portugal & Angola. We think there ~~are~~ ^{is} 2 areas of Portugal. We ~~think~~ ^{think} Pete & Mc Cleary on Angola. I think we do but the has 2 questions - was a decision making really seriously done. The other is ~~is~~ that Angola meet a pro-independence disruption & a small country.

P. I think we - and without they should stay away from current ops.

R. If any Comte has right to question a pro-independence, we are ~~in~~ another legal structure.

C. The second problem is that of trans they have asked

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for all records from station of PernGian, and
ITT & ... If we acknowledge relationship, we must
kill their espionage & our ability to place agents & get
easy. We would just review the Committee areas
where there may be a question of espionage.

K. We will have a monumental job getting any agency to
drop w/ us in a future.

C. True, but if an allegation of espionage, we can't deny
we will defend that.

M. (More discussion of - Argentin issue)

M: Hm, you are right.
K. There is one issue apparently junction to State -
... permitting junior personnel to testify as to policy
recommendation. The dangers are that junior would
use this to get at their senior who informed them of
the contacts ~~but~~ ^{with} harness them for decisions
they make. To do otherwise would work F.S.
This to me is a position of absolute principle. It is
like the South against ^{with} against themselves.

L. Before we get into this on emotion, I think we should
... go through Bergart letter & review transcripts which
do contain names as policy. The Senate has a
strong special charter & I think it is wrong to
disclose ourselves. If it is going into litigation, I think
we should see if we cannot sanitize document.

K. The basic point of dissent now is to prove a conspiracy
in Actions had a predecision for a ~~plaint~~ & thus didn't
~~test~~ witness to a ~~test~~ effect.

S. Seems to me you are denying there is a principle
involved - that is, a right of junior officers to get

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to say who fear of being exposed.

7. You have a strong public position now, but I think it will worth when the letter becomes known, because 90% of a document is a statement of fact.

Lyons The question is not one of import - it is longer important to let it happen - but what is a legal handle on it. There I think we are weak.

S: Stink is due to the bacteria, which are found in addition to *Candida* and *Streptococcus*.

R: I am concerned about a integrity of F.S. It took
us 15 yrs. to recover from the Earth

P. If Boyall was my true testifying what happened day by day, what would you say?

K. 2D have no prob.

There is no doubt Stats & Sys have performed
poorly, but I trying to preserve it for you & that
means is a large one can catch it.

P. There are 2 issues; one is the sanctity of c. dissent channel & ~~some~~ either is testifying as to a fact. Hwy says c letter is acceptable. W/ having read a memo, I would say we strengthen our case if we cut out spurious material in c memo.

h. I think it is foolish to imagine this case into what you want it to be. When a document gets printed in a paper I think you will wonder whether this is a case or which to make own case.

26 ~~of~~ ~~the~~ ~~time~~ ~~when~~ ~~you~~ ~~are~~ ~~possibly~~ ~~that~~ ~~Bengali~~

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right cycle to release

P From lawyer's point of view, what do you recommend.

L Review of a document to establish position & sensitivity matrix & give a date what is left, if there is sensitive information. Then we are in a strong position to defend a issue

K What is your position about junior officers testifying in open session

L & It's tough - Don't know how you can hold it.

R You have to defend that on political not legal ground.

P I think we have a defensible position if we send a courtney & a junior officer up w/ a division of testimony

M I agree w/ Harry's position w/ respect to oversight comts. But this is a special committee & circumstance

P I think we want a confrontation where we have to w/c public we can win. We ought to find a case which will give us lots of that. How we handle this case ^{right} has to fall within those parameters. On witnesses I think we are correct track & should stand. On motions, I think we should take a look at

K Two FSO's have written letters, as have identified people like George Kinnan, etc.

P Let's see if we can separate fact from divine

R Except from your intuition & dissent principle. Many dissents are base on a ~~suppose~~ assumption that a Secy doesn't know the facts, (over)

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Deval: Harvard is preparing to do something
providing a summary fit?

L: My first week.

K: That I would do only in context of saying
these are all the contrary things expressed to
me.

P: Let's look at all three options & see where we
go.

L: If I am ordered to do it, I'll do it, but I
think this is a profound issue of foreign
policy & a foreign tourist. We are exceeding
to a certain point & causing a lot of
friction.

P: But contrary is that if you get a bad case
& lose it, you have done ^{a lot of} damage

K: That is true.

P: I think we can confront them & win if
we have the right case.

R: I think we better offer a patched up situation
(from a legal perspective) / other smart.

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